

# State high court says sex offender names subject to public release

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Names and addresses of low-risk sex offenders can be released to people who file public records requests, the state Supreme Court has ruled.

In a 7-2 decision announced Thursday, the state's high court found that a law limiting release of information about Level 1 sex offenders did not preclude a Mesa woman's public records request for the data.

"There is no language in the statute that prohibits an agency from producing records," Chief Justice Barbara Madsen wrote for the majority. "Even the language ... which the (sex offenders) argue is the portion of the statute that exempts sex offender registration information from (public release) — is permissive."

The decision paves the way for Donna Zink to receive Yakima County's roster of Level 1 sex offenders, which a judge denied her two years ago, Deputy Prosecuting Attorney Stefanie Weigand said.

She said the county will be contacting Zink about delivering the documents to her; Zink said her request to the county is still open, and she expects the county to honor it.

Zink, a former Mesa mayor who won a previous public records decision after her city withheld other records she requested, attempted to obtain information on Level 1 offenders from the Washington State Patrol and the Washington Association of Sheriffs and Police Chiefs. But two sex offenders who were notified about her request filed in King County Superior Court to block the release.

A King County Superior Court judge blocked the release, finding that the state's Public Records Act allowed agencies to withhold records if another statute governed them. In the King County case, the judge found that the community notification statute — which governs the state's sex offender registry — overrode the records act.

Level 1 sex offenders are deemed to be the least likely to re-offend, and their names are not published on the public registry unless they do not comply with state law, including registering and maintaining a permanent address. Level 1 information can be shared with law enforcement, schools the offender might attend, and the offender's victim and witnesses to the crime, according to the statute.

Level 2 and 3 offenders, who are considered higher risks for re-offending, are published in the publicly accessible online registry.

But the high court found that the community notification law does not exclusively control access to the information. Rather, it only limits what an agency can do with the records

on its own initiative, as opposed to what it must do if it receives a records request from a member of the public.

Zink's Yakima County case was similar to the King County case in both circumstances and the reasoning the county used in moving to release the names.

In Yakima County, 22 low-level sex offenders went to court to block Zink's request after the county notified all Level 1 sex offenders that it planned to release the information. The offenders argued that releasing their names would subject them to public scorn and threaten their safety.

During an April 2014 hearing on whether to block the release, Weigand argued that the information itself was not confidential, and that the public records act required the county to release the forms filled out by Level 1 offenders .

However, Yakima County Superior Court Judge Blaine Gibson ruled that, in restricting who could receive Level 1 sex offender information, the Legislature did not intend for it to be available through public records requests. Gibson based his ruling on a 1994 state Supreme Court decision that found offender registries did not constitute additional punishment as long as the offender's potential for re-offending was a factor in deciding to whom the information would be released.

Gibson's decision was never appealed, Zink said, because a final order was never issued. The case is still listed as active in the court's record system.

Attempts to contact Greg Scott, the attorney for several sex offenders, were not successful.

There are 707 registered Level 1 offenders in Yakima County, according to the Yakima County Sheriff's Office. There are 129 Level 2 offenders registered in Yakima County, and 59 Level 3 offenders.

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